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C O N F I D E N T I A L CANBERRA 000436

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TAGS: [PTER](#) [PGOV](#) [KJUS](#) [KISL](#) [KPAQ](#) [ASEC](#) [ID](#) [AS](#)

SUBJECT: AUSTRALIAN REACTION TO BA'ASYIR VERDICT

REF: JAKARTA 3026

Classified By: POLCOUNS WOO LEE, REASONS 1.4 (B,D)

¶1. (C/NF) SUMMARY: Australian officials welcomed the March 3 Indonesian Court decision to convict Abu Bakar Ba'asyir (ABB) for his involvement in the Bali bombings, but were disappointed by the short 30-month sentence he received. The Australian Ambassador to Jakarta raised GOA concerns over the lightness of the sentence to Indonesian authorities and urged them to appeal the length of the sentence. Although the sentence was not the result the GOA had hoped for, officials noted that the trial did produce ample evidence of Ba'asyir's role atop Jemaah Islamiyah (JI) and connect him to the October 2002 Bali bombings that killed 88 Australians. The GOA has no intention to change its travel warning for Indonesia at this time. END SUMMARY.

¶2. (C/NF) Australian Department of Foreign Affairs and Trade (DFAT) Maritime South-East Asia Branch First Assistant Secretary Penny Burtt told us on March 4 that the Australian

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Ambassador to Jakarta, David Ritchie, had raised the lenient sentence received by ABB with GOI Counterterrorism Coordinator AnsyAAD Mbai. Mbai responded that the GOI would have to study the case in more detail to determine whether an appeal had any chance of succeeding. Burtt remarked that the GOA's reaction to the verdict and sentence was "absolutely identical to that of the U.S." and that the GOA would be combing the decision in the coming days to see what "terms of judgment" could be useful to the prosecution if it did decide to appeal. She suggested that the defense team would also likely appeal the verdict, which in the worst case could see the already inadequate sentence reduced or even thrown out.

¶3. (C/NF) Shortly following the March 3 decision, Australian Foreign Minister Alexander Downer said publicly that the GOA would urge the prosecution to appeal the length of the sentence. While granting that Australia would have to respect the judgment of the Indonesian courts, Downer made clear that Canberra considered the sentence to be inadequate and hoped for a prosecution appeal. Responding to a media query, a spokesman for the Indonesian Ambassador to Australia said, "Indonesia has taken note of Australia's comments and concern about the verdict, but Australia should respect the verdict of the Indonesian court."

¶4. (C/NF) Burtt concurred with Australian Federal Police (AFP) Commissioner Mick Keelty's public statement that despite the GOA's concern at the length of the sentence the Ba'asyir verdict represented a "milestone," because it stated he had committed "conspiracy in relation to the Bali bombing." Burtt also felt the trial had provided clear evidence of Ba'asyir's links to JI. She hoped further review of the verdict would uncover language concerning Ba'asyir's links to JI and the Bali bombings that might be of use in future trials of Ba'asyir or other JI members.

¶5. (C/NF) Both Burtt and Consular Information Section Director Dara Williams told Poloff that the GOA did not plan to change its travel advisory to Indonesia at this time. Williams said that the current travel warning was broad enough in stating that "attacks could occur at any time, anywhere in Indonesia and could be directed against any locations known to be frequented by foreigners." Burtt added that Australian intelligence agencies were not picking up enough specific "chatter" to justify adjusting the travel advice. Burtt asked us to keep the GOA abreast of reporting on the decision from Jakarta and let DFAT know if we anticipated a change to our travel warning.

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